

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

|                           |   |                                    |
|---------------------------|---|------------------------------------|
| PATRICIA A. DAFFIN,       | : | Case No. 1:00CV458                 |
|                           | : |                                    |
| Plaintiff,                | : | (Judge Dlott)                      |
|                           | : |                                    |
| v.                        | : |                                    |
|                           | : |                                    |
| FORD MOTOR COMPANY, INC., | : | <b>NOTICE OF FILING RECENT</b>     |
|                           | : | <b>CHAMBERLAN V. FORD DECISION</b> |
| Defendant.                | : | <b>REJECTING FEDERAL</b>           |
|                           | : | <b>PREEMPTION AND SUPPORTING</b>   |
|                           | : | <b>PLAINTIFF'S MOTION FOR</b>      |
|                           | : | <b>CERTIFICATION OF A STATE-</b>   |
|                           | : | <b>WIDE CLASS</b>                  |

As additional support for Plaintiff's pending Motion for Certification of a State-Wide Class, Plaintiff hereby files as Exhibit 1 to this Notice *Chamberlan v. Ford Motor Company*, Case No. C03-2628 CW, a recent class action decision from the Northern District of California dated March 24, 2004. Importantly, the *Chamberlan* Court concluded that the plaintiff's state law claims seeking equitable relief were not preempted by the Motor Vehicle Safety Act of 1966, 49 U.S.C. § 30101, *et seq.* Exhibit 1, pp. 28-29. Ford has raised the identical argument in the present litigation, largely relying upon the same case law and legal analysis (including *In re Bridgestone/Firestone, Inc.*, 153 F.Supp. 2d 935 (S.D. Ind. 2001)) that the *Chamberlan* Court flatly rejected. *Id.* at 24-28.

Respectfully submitted,

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**Of Counsel for Plaintiff**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of **NOTICE OF FILING RECENT *CHAMBERLAN V. FORD* DECISION REJECTING FEDERAL PREEMPTION AND SUPPORTING PLAINTIFF'S MOTION FOR CERTIFICATION OF A STATE-WIDE CLASS** was served electronically and by ordinary U.S. mail, postage prepaid, on this 27<sup>th</sup> day of May, 2004 upon the following:

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